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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,199	11/01/2000	Jurgen Clemens	0745/62947/	5754
7590	01/12/2004		EXAMINER	
Norman H Zivin Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	8
DATE MAILED: 01/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/646,199	CLEMENS ET AL.
	Examiner Sheila B. Smith	Art Unit 2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 October 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Soliman et al. (U.S. Patent Number 6,111,857).

*Regarding claims 1, 5, 7*, Soliman et al. discloses all of the claimed invention as set forth in the instant application, additionally Soliman et al. discloses a wireless network planning tool, further Soliman et al. discloses a method for automatically designing cellular mobile radio telephone networks, wherein, from network-related (which reads on population information) and space-related (which reads on terrain information) reference data including existing planning data of implemented (which reads on “the data stored in non-volatile memory includes an electronic representation of the geographic and other environmental information about a specific market area over which simulation of the operation of a wireless telecommunications system is to be performed” as disclosed in column 5 lines 60-64), planned or abstract cellular mobile radio telephone networks or subnetworks (which reads on column 8 lines 43-45) and the space related data of their planning areas and the space related data of a new planning area (which reads on column 3 lines 27-30), a design of the cellular mobile radio telephone network or subnetwork for the new planning area is automatically generated by processing the relations

between the space related reference and planning data and application of coordinate and angle transformations to the site coordinates of the base stations and main beam directions of the antennas of the base stations of the reference data (which reads on column 7 lines 25-37).

***Regarding claims 2,4***, Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein the quality of the network design is assessed by quantifying the relations between space related reference and the space-related planning data of the new planning area (which reads on column 3 lines 27-30 and column 8 lines 45-47).

***Regarding claim 3*** Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein the space related data of the new planning area are acquired, stored, tested and processed (which reads on 5 lines 60-64 and column 21 lines 15-27).

***Regarding claim 6***. Soliman et al. discloses everything claimed, as applied above (see claim 1) additionally, Soliman et al. discloses a method wherein, without necessary human intervention, for a mobile radio telephone network or subnetwork to be planned on a geographic area a real or abstract mobile radio telephone network or subnetwork on a real or abstract geographic area (6) is changed in the space related parameters (which reads on column 2 lines 10-22), site coordinates and antenna main beam directions and on the geographic area is substituted in the subnetwork to be planned by coordinate transformation of the geographic longitude, latitude and rotation with respect to the zero meridian at the precise instant when the features of the space related data of the geographic areas and are equal or are said to be equal in accordance with a particular criterion (which reads on column 71 lines 23-32).

*Response to Arguments*

2. Applicant's arguments filed 10/6/03 have been fully considered but they are not persuasive.
3. Applicant's arguments regarding prior art not disclose or suggest a method for automatically designing a cellular mobile radio telephone networks from existing planning data, the examiner contends that this limitation reads on "the data stored in non-volatile memory includes an electronic representation of the geographic and other environmental information about a specific market area over which simulation of the operation of a wireless telecommunications system is to be performed" as disclosed in column 5 lines 60-64.

The examiner restates and stands by the above rejection.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

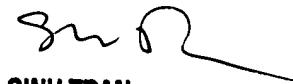
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
December 27, 2003

  
SINH TRAN  
PRIMARY EXAMINER